

TTAB

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RE/Max International, Inc.,

Opposer,

v.

Yamaha Hatsudoki Kabushiki Kaisha,

Applicant.

Opposition No. 91157722

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on

February 18, 2005

(Date)

Catherine J. Holland

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

ATT: BOX TTAB NO FEE

Dear Sir:

Applicant, Yamaha Hatsudoki Kabushiki Kaisha, hereby answers the Notice of Opposition filed by RE/Max International, Inc. against the registration of Applicant's trademark Application No. 78/135,419 for the mark RMAX as follows:

1. In answer to Paragraph 1, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 1 of the Notice and accordingly denies each and every allegation therein.
2. In answer to Paragraph 2, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 2 of the Notice and accordingly denies each and every allegation therein.
3. In answer to Paragraph 3, Applicant admits Opposer's definition.



4. In answer to Paragraph 4, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 4 of the Notice and accordingly denies each and every allegation therein.

5. In answer to Paragraph 5, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 5 of the Notice and accordingly denies each and every allegation therein.

6. In answer to Paragraph 6, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 6 of the Notice and accordingly denies each and every allegation therein.

7. In answer to Paragraph 7, Applicant admits that it filed Trademark Application No. 78/135,419 for the mark RMAX on June 13, 2002 for "industrial unmanned helicopters" in International Class 12. Applicant denies that its application was filed in July.

8. In answer to Paragraph 8, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 8 of the Notice and accordingly denies each and every allegation therein.

9. In answer to Paragraph 9, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 9 of the Notice and accordingly denies each and every allegation therein.

10. In answer to Paragraph 10, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 10 of the Notice and accordingly denies each and every allegation therein.

11. In answer to Paragraph 11, Applicant admits that its use of RMAX as set forth in Application Serial No. 78/135,419 is not authorized by Opposer. Applicant denies that its use of RMAX is in connection with services.

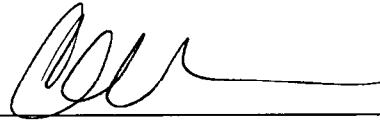
12. In answer to Paragraph 12, Applicant is without sufficient information to form a belief as to the allegations of Paragraph 12 of the Notice and accordingly denies each and every allegation therein.

Applicant respectfully requests that this opposition proceeding be dismissed and that its registration be issued forthwith.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/18/05

By: 

Catherine J. Holland

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Fourteenth Floor

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Attorneys for Yamaha Hatsudoki Kabushiki

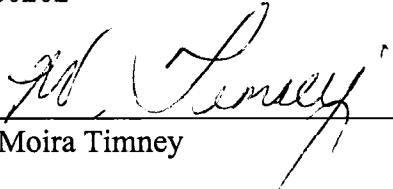
Kaisha, Applicant

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Answer to Notice of Opposition upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on February 18, 2005, addressed as follows:

John R. Posthumus
Gayle L. Strong
GREENBERG TRAURIG
1200 17th Street
Suite 2400
Denver, CO 80202



Moira Timney